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2011-2012 INYO COUNTY GRAND JURY FINAL REPORT



California law requires Superior Court Judges in each California County to impanel a civil Grand Jury. Inyo County has an eleven member jury. Civil grand juries investigate local government activities. At the end of the year, grand juries publish final reports.

Grand Jury members are bound by secrecy and confidentiality in grand jury service, for life. Each member of the grand jury, under Penal Code §911, swears an oath of office to not disclose any evidence brought before the grand jury, nor any discussions or deliberations that occur during a grand jury investigation.

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The Honorable Dean T. Stout
Presiding Judge, Superior Court of California
County of Inyo
168 North Edwards Street
PO Drawer U
Independence, California

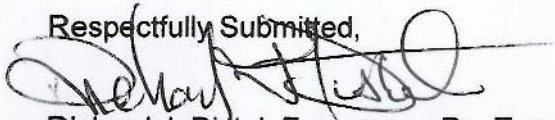
Dear Judge Stout,

On behalf of the 2011-2012 County of Inyo Grand Jury, it is my honor and privilege to present the 2011-2012 County of Inyo Grand Jury Final Report for your review and consideration. The following reports that follow, along with their findings and recommendations, have been approved by the Grand Jury. It is our intent that these reports and our year of service will be of benefit to the people of Inyo County.

Grand Jurors are citizens of all ages and different walks of life. Jurors spend many hours of fact finding investigations. This report can disclose wrongdoings, and violations of public law. The Report also recognizes positive aspects. It is authorized to inquire into charges of willful misconduct or negligence of public officials or the employees of public agencies. The Grand Jury visited the jail and holding facilities within Inyo County as required by California Penal Code section 919(b). Numerous interviews were conducted. Although not all of these investigations resulted in the issuance of reports, we express our appreciation for assistance we were given. We also wish to thank the officials who made presentations to the jury, as well as the court staff who always assisted us in a professional manner.

On a personal note, I would like to thank my fellow Grand Jurors who served during the past year and especially thank Robert Michener, Foreman who unfortunately had fallen ill the last few weeks of our term. We all wish him a speedy recovery. Thanks Bob for everything.

Respectfully Submitted,



Richard J. Distel, Foreperson Pro Tem
2011-2012 County of Inyo Grand Jury

2011-2012 COUNTY OF INYO GRAND JURY MEMBERS

Robert E. Michener	Bishop	Foreperson
Richard J. Distel	Bishop	Foreperson Pro-Tem
Larry A. Clark	Bishop	Recording Secretary
Richard J. Buhler	Bishop	Member
James P. Cecil	Lone Pine	Member
Bruce C. Dishion	Bishop	Member
Barbara A. Durham	Death Valley	Member
Terri L. Parks	Bishop	Member
William F. Robinson	Bishop	Member
Lloyd W. Wilson	Big Pine	Member

The Grand Jury recognizes that a conflict of interest may arise in the course of its investigations. In such instances, the juror may ask to be removed from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result in an investigation.

Therefore, whenever the perceptions of a conflict of interest on the part of a member of the 2011-2012 Inyo County Grand Jury, that member abstains from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject.

2011-2012

Inyo County Grand Jury Final Report

California Penal Code Sections 933 and 933.05

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code Section 933. A copy of the report is enclosed. Your attention is invited to the following code section regarding the time requirements for comment on the report

Penal Code Section 933

933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

Penal Code Section 933.05

933.05. (a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendations will not be implemented because it is not warranted or is not reasonable, with explanations therefore.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by a elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

INYO COUNTY DETENTIONS FACILITIES

REASON FOR REPORT

In compliance with California Penal Code §919(b) requires that grand juries annually visit and inspect the conditions and management of all jails, prisons and juvenile detention facilities within their respective counties.

METHOD OF INVESTIGATIONS

Members of the 2011-2012 Inyo County Grand Jury inspected the Inyo County Jail, Juvenile Hall, City of Bishop Police Station and Owens Valley Conservation Camp #26. Interviews were conducted with staff at the facilities and a thorough inspection of each facility was completed. All facilities were found to be clean, safe and well managed. Detainees at each location had access to medical care and there was a process in place for addressing grievances.

**INYO COUNTY SHERIFF'S DEPARTMENT
COUNTY JAIL
Independence, Ca**

Method of investigation

The Grand Jury inspected the Inyo County Jail Facility on August 17, 2011. Sergeant Prichard of the facility led the inspection for the jury. An additional inspection by members unable to attend on the first date was conducted on September 5, 2011. Though it was not arranged by the current Grand Jury, it is recommended inmate interviews be conducted in the future.

Findings

F1.) The facility – Overall appearance of the building was clean and in good repair. According to Sgt. Prichard, staffing was at maximum levels for current inmate count, though one officer opening remained as an "on hold" unfilled position, and one officer was in training for a current position. Kitchen staff included a kitchen manager, three full-time staff, and one part-time staff for the 96-bed facility. A kitchen duty system, using inmates, was discussed based on inmate good conduct. All instruments, utensils, and chemicals are tethered and/or counted after each meal service. The exercise yard was clean and clear with no visible equipment for inmate use beyond a pull-up bar.

F2.) The Inmates – Inmates to the facility are given a comprehensive orientation book of rules and regulations. It is the responsibility of each inmate to read and obey rules and procedures. Additionally, rules and grievance procedures are posted in all inmate access areas.

F3.) Additional Staff - A nurse is on staff daily for medical and prescriptive issues. All medical questions and prescriptions must be cleared by professional and court personnel. A doctor, through Southern Inyo Hospital, is contracted as the 24-hour on call physician. Other staff may include substance abuse professionals and intervention program leaders through mental health services. Finally, longer-term inmates expressing an interest are provided GED program offerings as arranged through Cerro Coso Community College.

F4.) The procedures – Through relatively new and highly effective video monitoring system inmates are under full-field supervision. Cameras are also operating in visitation areas where inmates and visitors communicate by telephone only. Monitoring of detox facilities included a direct officer check, on a specific time schedule, in addition to video monitoring. An additional security procedure involving employee access cards that are time stamped and monitored was also reviewed.

Recommendations/Commendations

R1. The Sheriff and staff are to be commended for the overall appearance and upkeep of the facility, even in this time of budget constraints.

R2. The Sheriff and staff are to be commended for their comprehensive and thorough approach to disseminating and enforcing rules and regulations.

R3. The Sheriff and staff are to be commended for highly efficient and sufficient staff providing for all inmates needs including but not limited to food service, hygiene, and exercise, medical, educational, and psychological.

R4. While members of the jury remained impressed by the surveillance system in place, wide timing variations existed in detox monitoring between night and day shift personnel (according to a posted monitoring signoff sheet) and was a concern. It is recommended that monitoring remain consistent through-out the stay of an inmate in that holding area.

Response required

Inyo County Sheriff
Inyo County Board of Supervisors

INYO COUNTY JUVENILE DETENTION FACILITY Independence, Ca

Reason of Investigation

Per §919, subsection (b), of the California Penal Code. "The grand jury shall inquire into the condition and management of the public prisons within the county."

Method of Investigation

The Inyo County Grand Jury conducted its annual review of the Inyo County Juvenile Detention Facility on August 17, 2011. The Director of the facility and various staff members were interviewed along with a tour of the facility.

Findings

- F1.) A new video surveillance system has not been installed because of lack of funding.
- F2.) New fencing and enclosing of the "salle-port" located in the west parking lot has not been installed although it is badly needed.
- F3.) The new greenhouse is in place and along with the garden area is being put to good use.

Recommendations/Commendations

- R1.) Installation of new video surveillance system is a number one priority when funding becomes available.
- R2.) Funding for the new fence for the west parking lot needs to be found, creative solutions could be used. The use of County staff and donations of material and labor might be useful as shown by the construction and use of the new greenhouse.
- R3.) Staffing can still be an issue at times. The use of part-time employees can only be used so long. Facility operators should be commended for their dedication and resourceful use of manpower.

Response required

Pursuant to Penal Code §933.05, the Inyo County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

Inyo County Board of Supervisors
Inyo County Probation Department
Inyo County Juvenile Detention Director

**CITY OF BISHOP POLICE DEPARTMENT HOLDING CELLS
AND OVERALL FACILITY
BISHOP, CALIFORNIA**

Reason for Investigation

Per California Penal Code §919, the Grand Jury is required to "inquire into the condition and management of all public prisons" within Inyo County

Method of Investigation

The Grand Jury inspected the City of Bishop Police Department "holding cells" and overall facility adequacy on September 21, 2011. Lieutenant Fred Gomez of the Bishop Police Department answered questions and led the inspection of the facility. There are two holding cells and a booking cell at the facility, 16 or fewer persons can be held at the facility at one time. Maximum holding time at this facility is 6 hours, and the facility has no need for cooking or medical facilities for persons being held due to the short durations of confinement in the holding cells. Prisoners are transported to the Inyo County Jail for processing and prearranged confinement.

Findings

- F1.) In addition to the Grand Jury inspections of the holding cell facilities, the Bishop Fire Department and Inyo County Environmental Department inspect the facilities and have determined that they are adequate.
- F2.) The holding cells appear adequate for the use intended, and are in fair shape. Some areas have the paint chipped off by the occupants.
- F3.) The overall facility is cramped, and it is clear that the facility is of an inadequate size for the number of persons operating the facility.
- F4.) There is a definite need for separate interview rooms for suspects and victim's/witnesses.
- F5.) Although the Police Department is budgeted for 14 officers, the department currently only has 12 officers. Officers currently work 12 hour shifts and absences due to sickness and vacations are covered by overtime pay. Due to current budget constraints, it is doubtful that the additional two officers will be hired in the near future.
- F6.) The bullet proof glass to protect the dispatcher that was the subject of the 2010 Grand Jury has not been installed, although arrangements for acquiring the glass have been made.

Recommendations/Commendations

- R1.) Commendation to the Bishop Police Department for their continued good work.
- R2.) The painted surfaces within the holding cells should be sanded and painted to prevent further chipping,
- R3.) The City of Bishop should establish a capital improvement budget for ultimately relocating the Police Department to a larger facility that meets current and future needs.
- R4.) Somehow, the floor plan of the current facility must be adjusted to provide separated interview spaces for suspects and victim/witnesses. There should be a study conducted to indentify additional space within the current facility where interviews can be conducted without conflicts.
- R5.) The department should review staffing levels and determine whether it is a better use of resources to pay overtime rather than hire additional officers.
- R6.) The bullet proof glass for the dispatcher's window should be installed as soon as possible.

Response required

Pursuant to Penal Code §933.05, the Inyo County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

City of Bishop Police Chief
City of Bishop Town Council

DEPARTMENT OF CORRECTIONS AND REHABILITATIONS
OWENS VALLEY CC #26
Round Valley, Ca

Reason for Investigation

Per California Penal Code §919, the Grand Jury is required to "inquire into the conditions and management of all public prisons within the County." The Inyo County Grand Jury has an annual responsibility of inspecting all prisons within the County. During the inspections of Owens Valley CC #26 State Prison the Jury was educated in the working of the prison.

Method of Investigation

The Grand Jury inspected the Owens Valley CC #26 on October 19, 2011. Lt. Frohreich and Lt. Linder led the inspections of the facility.

Founded in 1960, the facility houses a maximum of 128 inmates who are broken down into five-seventeen member crews serving out a three to five year term. The inmates must qualify for the camp and go through a month of training in a CDF program.

During a calendar year, Owens Valley CC #26 can provide more than 120,000 hours in fire suppressions activities. When not fighting fires, the inmates perform in excess of 15,000 hours of work on community projects, and over 55,000 hours of work for State agencies in the local region. This camp performs community service projects from Inyo County and Mono County. The primary work projects include fire defense improvements, weed abatement, and maintenance of public recreation areas of the local governmental properties.

Examples of community projects are the maintenance of the Fair Grounds before and after scheduled events, assisting in medical extractions for search and rescue missions. The crews help in flood control and snow removal, and the fighting and controlling of the Center and John Fires.

While working in the County, there are do's and don'ts concerning the public interaction. Additional information includes: it is a misdemeanor to approach and talk to an inmate on work detail, to accept anything from an inmate such as, "mail this letter for me" or "do you have a cigarette?" One major problem for the officers of Camp #26 is contraband packages dropped off by friends or relatives of the inmates in hidden areas around the camp. These contraband packages contain items, like cigarettes, prepaid cell phones, alcohol, etc. If you find any such packages while hiking, bouldering, fishing or rock hounding, you are asked by the officers of Camp #26 to call and report findings. The phone number is 760-387-2686. Do not remove or alter the package. In regards to hiking and bouldering, the dirt road running to the South of the camp and into Tungsten Hills area is open to the public, but when entering the area the Camp Commander requests than you call 760-387-2686 giving your name, type of vehicle/color and license plate number. Include the time you will be in the area.

Findings

- F1.) At the time of the Grand Juries inspection: Inmates-Inmates were divided into crews of 17 with each crew assigned a barrack. All crews were on dispatch working in community service projects, serving Inyo-Mono Counties.
- F2.) Staff-Facility is staffed by 10 officers including the Camp Commander. CALFIRE also has 16 staff assigned to the crews out on community service projects.
- F3.) Staff reports that contraband packages have been hidden by friends and relatives of inmates for work crews to pick up and is an ongoing problem. Packages include items such as pre-paid cell phones, tobacco, alcohol, etc.
- F4.) A high school GED program is being run by volunteers for the inmates, with no state funding.
- F5.) During the calendar year, Owens Valley CC #26 performed in excess of 15,000 hours of work in community projects and over 55,000 hours of work for state agencies in the local region.
- F6.) The camp has monthly fire drills and an annual camp inspection.

Recommendations/Commendations

- R1.) All barracks have an in-house competition for order and cleanliness supervised by the officers of the camp.
- R2.) Number of officers assigned to CC# 26 is adequate to supervise the camp according to the Camp Commander.
- R3.) Try to make the public aware of contraband packages, such as signs and articles in the local papers. List all do's and don'ts when contraband packages are found.
- R4.) There is a cooperative effort to provide instructors between the camp and the Inyo County Office of Education.
- R5.) Over 100 community service projects have been performed by crews in Inyo and Mono counties.
- R6.) Camp Commander reported that monthly fire drills continue to be held, and an annual Facilities Equipment Safety Inspection Report conducted by the State of California Department of Forestry and Fire Protection.

Response required

Pursuant to Penal Code §933.05, the Inyo County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

Owens Valley Camp #26 Commander
Cal Fire Owens Valley Camp #26

INYO COUNTY DISTRICT ATTORNEY
Independence, Ca

Reason for Investigation

Per §919, (c) of the California Penal Code, "The Grand Jury shall inquire into willful or corrupt misconduct in office of public officers of every description within the County."

Method of Investigation

The Grand Jury met with the Inyo County District Attorney to discuss public criticisms of that office that have been publicly voiced or expressed in print within the year. Specifically, we addressed the following: 1) A "No Comment" policy, as stated by the District Attorney, where the DA's office feels restricted by legal concerns, as opposed to the "public's right to know" approach of the media. 2) The increased number of summons to potential jurors for Inyo County Court appearances. In this we addressed the requirement that citizens are, in essence, required to put their lives on hold until the trial date, which can then be cancelled, and the summons cycle begins anew. 3) The release of information about a District Attorney election opponent, by one or more employees of the DA's office, and the extent of the DA's knowledge of such a release, that has been reviewed and concluded by the State Attorney General and the State Bar Association for ethics violations. 4) Plea bargaining, sentencing guidelines, and other settlement issues were discussed in an attempt to examine the apparent backlogs of cases on Court dockets. Specific complaints were addressed regarding a lack of timely plea-bargaining by the District Attorney's office.

Findings

F1.) Media relations are important to the operation of any government office. There is a lack of communication between the District Attorney and news sources in the public's right to know, even when dealing with information having nothing to do with attorney-client privilege.

F2.) The Grand Jury recognizes the jury summons cycle, while necessary, is irritating to citizens with other plans when, at the last minute, the jury summons is cancelled. Additionally, it is a multiple expenses item when considering the summons/mailling process, the call out of law enforcement and others who must testify, mileage and appearance cost for subpoenaed experts in and out of the area, job substitute pay, babysitters, and travel plan shifts.

F3) The District Attorney would not discuss what he expressed was an "internal personnel issue" regarding the release of information by someone in his office (and his advance knowledge of said release) about a District Attorney elections opponent.

F4) There is a need to improve "timely" court processes. The District Attorney strongly refutes any allegations related to plea-bargaining in a timely manner, and stated it is the policy of his office to offer a reasonable settlement early in the court proceedings. The DA stated he was well aware of the inconvenience suffered by jurors, perspective jurors, and trial participants, and is in agreement that some solutions should be found.

Recommendations/Commendations

R1.) It is recommended the District Attorney make regular press releases, in writing, to end what the DA expressed is a flow of misinformation and misstatements through the press. The County should establish an ongoing workshop for all County executives on ways to keep and improve media and public relations. Subsequent Grand Juries should continue to monitor communication problems and provide a format for meeting with a media spokesperson and County executives to address further problems.

R2.) Trial judges, while adhering to a defendant's trial and plea-bargaining rights, should hold all parties to timely plea processes before setting trial dates. Plea deals should be agreed upon prior to the trial date, and there should be no last minute "sweeteners" offered at or on the date of trial. Presiding judges may hold a joint meeting with all parties involved and cause them to believe the present system of "waiting until the other side folds" serves no one in assuring fair and prompt adjudications of cases.

R3) While the District Attorney is to be commended for defending his "personnel issue" confidentiality position, it is the recommendation by this Grand Jury that he be more forthcoming with public information, and its release, upon request.

R4) As suggested by the Inyo County Administrative Officer, the Grand Jury recommends hiring a retired judge from outside the County to head a panel directed to study the current court system and recommend improvements.

Response Required

Inyo County District Attorney
Inyo County Board of Supervisors

SOUTHERN INYO HOSPITAL DISTRICT Lone Pine Ca,

Reason of Investigation

Originally, the 2009-2010 Grand Jury received a complaint about a potential improper use of the Southern Inyo Hospital Healthcare District (SIHD) tax monies and potentially questionable accounting procedures used to monitor these monies. The SIHD resolution 05.05/06 was written by the Board of Directors of the SIHD under the authorization of Section 4, Article XIII A of the California Constitution, and Government Code sections 50075 et. Seg, sections 53720 et. Seg, and section 53730.01. These reference codes authorize a hospital district, after due notice and public hearings, to impose a special tax for special purposes upon approval by two-thirds (2/3) vote of the qualified electors of such district who vote on the measure. Accounting procedures were specifically set out in the measure. The Board of Directors of the SIHD adopted the resolution on July 28, 2005. The 2010-2011 Grand Jury accepted the forwarded complaint from the previous Jury and set about an investigation as documented in the "Final Report – Inyo Grand Jury 2010-2011."

Method/Reason of Investigation

Upon publication of the 2010-2011 Grand Jury Report, the Chief Fiscal Officer and Board of Directors of SIHD responded with an offer to comply with the Grand Jury's recommendations to follow the legal fiscal directions within the Special Tax law.

Specifically;

- 1) A separate "Special Tax" account would be established.
- 2) Board agendas and minutes would make reference to specific debits and credits to "Special Tax" monies as required in the tax resolution.
- 3) The above account, accounting procedures, and reporting would comply with the needed transparencies required by the "Special Tax."

The 2011-2012 Grand Jury found the above compliance directives were still not being met to the letter of the Special Tax wording by the beginning of the 2012 calendar year. Requests for further information and transparency related to the Special Tax monies and expenditures were met with Board agendas and minutes that still did not meet Special Tax laws. There were few references to the Special Tax account, no specifics as required in the law regarding legal expenditures, and no transparency for tax payers to review and/or support expenditures. The 2011-2012 Grand Jury continued to request Board Agendas and Minutes that would reflect expenditures and/or actions specific to the "Special Tax" that had now been in effect and using tax monies for over six (6) years.

FINDINGS

- F1.) The findings of the 2010-2011 Grand Jury are on file as published in their final report of July 2011.
- F2.) The "Special Tax Account" as stated by the Board was established at El Dorado Savings.

- F3.) No formal "itemized" accounting procedure has been furnished to the Board of Directors, or the Grand Jury, for public review.
- F4.) The Chief Fiscal Officer of the Board continues to "generalize" expenditures from the Special Tax and no separate report has been provided.

Recommendations/Commendations

- R1.) Refer to all recommendations of the 2010-2011 Grand Jury Final Report to Inyo County.
- R2.) The SIHD Board of Directors and Chief Fiscal Officer are to be commended for establishing the separate Special Tax account as prescribed by law.
- R3.) Itemize and formalize monies received and expended through the Special Tax account. General references such as "emergency room procedures" are not adequate for transparency when law has specific expenditure exclusions to be considered.
- R4.) Provide the Grand Jury and interested constituents a copy of the Special Tax reports.

Response Required

The Grand Jury was pleased with the Winter-2011 newsletter to taxpayers from SIHD that provided an update on the parcel Tax. Board of Directors provided some agendas and copies of minutes during the past year. However, the Grand Jury requests/requires the SIHD provide a line item budget for FY 2011/2012 and 2012/2013, showing how all tax money is being spent.

Chief Fiscal Officer of SIHD
Board of Directors SIHD

CONSOLIDATED COUNTY OFFICE SPACE BISHOP

Reason of Investigation

The Grand Jury, as mandated by the California Constitution, investigates county government, to ensure the citizens of Inyo County are being served. County government procedure methods and systems can be reviewed and evaluated to determine if more efficient and economical programs might be employed.

Method of Investigation

The Grand Jury requested an interview with Kevin Carunchio, Inyo County Administrator to seek information on the County's plan for office consolidation in the Bishop area. Mr. Carunchio advised the Grand Jury of the consolidation plan.

A request for proposals (RFP) was sent out to 400 companies, and the County only received 2 proposals back. Selected from the companies was Joseph's Inc., which proposes a 20 year lease with a buy-out by the County at the end of the 20-year term. It also included trading of a land parcel owned by the County on Highway 395 with land owned by Joseph's on Highway 6 and Wye Road. Joseph's would build a County building to house all of the existing County departments that are in the City of Bishop. They currently occupy over 29,000 square feet of which 24,000 square-feet are leased at an annual cost of approximately \$378,792 per year exclusive of taxes, maintenance, janitorial and utility costs. The end result after 20 years is that Inyo County would own the building free of any rental cost.

Findings

- F1.) The County is in dire need of consolidated office space, as witnessed by members of the Grand Jury during a tour of existing offices in Bishop. Existing offices are cramped and overcrowded with staff "making do" with limited parking, no handicap access, no privacy for patients/health care providers, no storage, continuity and lack of communications between departments. There are no fire systems and/or alarms, lack of safety, some offices have limited rooms for private interviews between clients and staff, or there are no interview rooms for privacy, at all.
- F2.) The County Services building, which is the only County owned building, is very old and hard to maintain, and the utilities are very high. The Health Department sees some of their cases out in the parking lot because of non-compliance with ADA requirements. There is limited access to the Veterans Service office, and it is not handicapped accessible.
- F3.) All of the existing offices have safety concerns, offices have pressed the limit for space, there are no private areas for interviews, the Crime Scene Technician does most of the work out in the parking area, and there is no storage for files anywhere.
- F4.) Utilities are high. The County spends a lot of money on maintenance and up-keep. In one of the buildings, the County is responsible for everything, including property taxes. They have spent thousands on tenant improvements. Money is wasted on leased space, the tenant improvements and high utility costs.

Recommendations/Commendations

R1 – R5.) The Grand Jury voted unanimously to support the consolidation proposal. The County needs to co-locate, to share liked resources, have flexibility, continuity and communication between Departments.

Response Required

Inyo County Board of Supervisors
Inyo County Administrator

LAFCO SPECIAL DISTRICTS

Inyo County, CA

Reason for Investigation

Questions were brought to the attention of the Grand Jury regarding transparency of Special District operations. Specifically, concerns were expressed regarding advertising (or the lack thereof) for vacancies in the variety of Special District positions, website access to information, Brown Act and Ethics training for Special Districts position holders, and LAFCO Personnel ability to function as enforcers of individual State and local coded procedures.

Method of Investigation

The Grand Jury met with Kammi Foote, Inyo County Clerk Recorder, and Randy Keller, Inyo County Counsel, to ask questions related to the above reason for investigation. All members of the Grand Jury were provided with copies of "Vacancies on Special District Boards", the "2011 Inyo County Special Districts Directory", and "What's So Special about Special Districts" as a citizen's guide to Special Districts in California.

The questioning was specific and broad ranging to include our interests in how Special Districts are formed, understanding the guidelines for durations and replacement of Board members, communications with the public on function, costs, and benefits to the County, appointment versus elective board positions, training and/or qualifications for the various boards, and oversight or administrative enforcement responsibilities.

Findings

- F1) County Clerk has a responsibility to advertise all Special Districts Board positions except when appointments are made for interim positions for on-going decision making and continuous function.
- F2) The Citizen's Guide to Special Districts in California, last revised in October 2010, is a comprehensive guide for all citizens regarding the functions of any and all 3,300 Special Districts throughout the State.
- F3) Most Special District board members in Inyo County are appointed due to lack of volunteer candidates.
- F4) California Assembly Bill 1234 added new provisions to the California Government Code, requiring among other things, that local officials who receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics law and principles. Training must be renewed every two years, and it requires each local agency to maintain records indicating compliance. Furthermore, those records are subject to disclosure under the California Public Records Act.
- F5) Section 26900(b) of the California Government Code requires Special Districts to submit audits to both the State Controller and the Inyo County Auditor.
- F6) Brown Act laws apply to all Special District Boards.

Recommendations/Commendations

R1) It was the recommendations of this Grand Jury that position openings need to be more visible and obvious to Inyo County residents through the news outlets and specific central posting locations for all Special District positions and actions.

R2) The "Citizen's Guide to Special Districts in California" should be made available as a hand out to the general public through the County Clerk's Office location in Independence.

R3) It was the opinion of most Jurors that more transparency and publication of open positions on "any" Special District board would eliminate concerns about County Board appointments using "friends" to fill vacant positions.

R4/5) "Policing" seems needed as it relates to Special Districts. During our interviews it became apparent that several members of these Special District boards are untrained in government service ethics, and fall short in accounting for their specific reporting responsibilities.

R6) Annual, or at least bi-annually, Brown Act training should be provided to all Special Districts board members.

Response Required

It is a recommendation of this 2011-2012 Grand Jury that this investigation into Special Districts be continued by the 2012-2013 Grand Jury. Additional response is required, as to the recommendations related to postings, public information, and sequential training required in California Government Codes, by;

Inyo County Board of Supervisors

Inyo County Counsel

Inyo County Clerk Recorder's Office